

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JOSHUA CARTER)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
CURATORS OF THE)	Circuit Court of Jackson County, MO
UNIVERSITY OF MISSOURI, et al.)	Case No. 1816-CV05589
)	
Defendants.)	JURY TRIAL REQUESTED

NOTICE OF REMOVAL

Defendants Steven Kanter, Cary Chelladurai, and Kristen Kleffner (collectively “Defendants”), through counsel and pursuant to 28 U.S.C. § 1446(a) and (b), hereby file this Notice of Removal of the above-titled action from the Circuit Court of Jackson County, Missouri, to the United States District Court for the Western Division of Missouri, Western Division. As grounds for removal, Defendants state as follows.

1. On March 2, 2018, Plaintiff Joshua Carter (“Carter”) filed a “Petition” in the Circuit Court of Jackson County, Missouri against Defendants Chelladurai and Kleffner, along with The Curators of the University of Missouri and George Harris. Plaintiff’s Petition alleged that Defendants violated the Racketeer Influenced and Corrupt Organizations Act (“RICO Act”), 18 U.S.C. §§ 1961-1968; the Missouri Merchandising Practices Act (“MMPA”), Mo. Rev. Stat. § 407.010 et seq.; as well as claims for breach of contract and promissory estoppel. No Defendant was personally served with a copy of this pleading.

2. On March 30, 2018, Plaintiff filed a “First Amended Petition” in the Circuit Court of Jackson County, Missouri. Plaintiff’s First Amended Petition asserted the same RICO Act, MMPA, breach of contract, and promissory estoppel claims pleaded in his Petition, but Plaintiff added Defendant Kanter as a party to all claims.

3. Defendant Chelladurai was personally served with the First Amended Petition on May 3, 2018.

4. Defendant Kleffner was personally served with the First Amended Petition on May 4, 2018.

5. Defendant Kanter was personally served with the First Amended Petition on May 16, 2018.

6. On information and belief, neither The Curators of the University of Missouri nor George Harris has received service of process.

7. Pursuant to 28 U.S.C. § 1446(b), a defendant may file a notice of removal within 30 days after receipt by the defendant of the initial pleading, if the case stated by the initial pleading is removable. The 30-day period begins to run when the defendant formally receives service of process with the accompanying pleading. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 353-55 (1999). This Notice of Removal has been timely filed within 30 days of Defendants’ receipt of Plaintiff’s First Amended Petition.

8. It is plain on the face of the pleadings that this Court has original federal question jurisdiction over Plaintiff's RICO Act claim because such claim arises under the laws of the United States.

9. Plaintiff's state-law claims arise from the same set of facts as his federal claims and are so related to his federal claims that they form part of the same case or controversy under Article III of the United States Constitution. Therefore, this Court has supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367(a).

10. Accordingly, this civil action is removable under 28 U.S.C. § 1441(a) and (c).

11. Furthermore, a copy of all process and pleadings served upon Defendants is attached hereto as Exhibit 1, as required by 28 U.S.C. § 1446(a). Pursuant to 28 U.S.C. § 1446(d), Defendants will file a copy of this Notice of Removal in the Circuit Court of Jackson County, Missouri, and will further serve a copy on Plaintiff's counsel.

WHEREFORE, Defendants pray that this case be removed from the Circuit Court of Jackson County, Missouri, where it is now pending, to this Court, and that this Court exercise jurisdiction over this action as though the case had been originally instituted in this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via e-mail and sent via U.S.P.S. certified mail on June 1, 2018 to the following:

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